

1 JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

3 BRIAN J. STRETCH (CABN 163973)  
Chief, Criminal Division

5 TAREK J. HELOU (CABN 218225)  
Assistant United States Attorney

6 450 Golden Gate Avenue, Box 36055  
7 San Francisco, California 94102  
8 Telephone: (415) 436-7071  
Facsimile: (415) 436-7234  
9 Tarek.J.Helou@usdoj.gov

10 Attorneys for Plaintiff

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15  
16 UNITED STATES OF AMERICA, } CR No. 08-031 MHP  
17 Plaintiff, } STIPULATION AND [PROPOSED] ORDER  
18 v. } EXCLUDING TIME UNDER 18 U.S.C. § 3161  
19 ENRIQUE CABRERA-LUVIANO, }  
a/k/a Enrique Cabrera, }  
20 Defendant. }  
21 \_\_\_\_\_ )

22  
23 On January 28, 2008, the parties in this case appeared before the Court and requested that  
24 time from January 28, 2008 through February 25, 2008 be excluded from Speedy Trial Act  
25 calculations because defense counsel and government counsel must work with the U.S.  
Probation Office to ensure that an accurate presentence report is prepared before the defendant  
pleads guilty. The parties represented to the Court that the length of the requested continuance  
was the reasonable amount of time necessary for effective preparation of counsel, taking into

1 account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed  
2 that the ends of justice served by this continuance outweighed the best interests of the public and  
3 the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

4

5 SO STIPULATED:

6

JOSEPH P. RUSSONIELLO  
United States Attorney

7

8 DATED: January 31, 2008

/s/

9

TAREK J. HELOU  
Assistant United States Attorney

10

11 DATED: January 31, 2008

/s/

12

GEOFFREY HANSEN  
Attorney for Defendant Enrique Cabrera-Luviano

13

14

15 As the Court stated on January 28, 2008, and for the reasons identified above, the Court finds  
16 that the ends of justice served by the requested continuance outweigh the best interests of the  
17 public and the defendant in a speedy trial. The Court also finds that time from January 28, 2008  
18 through February 25, 2008 shall be excluded from Speedy Trial Act calculations for effective  
19 preparation of counsel. 18 U.S.C. § 3161(h)(8)(A). Failing to grant the requested continuance  
20 would deny counsel reasonable time necessary for effective preparation, taking into account the  
21 exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. §  
22 3161(h)(8)(B)(iv).

23

24 SO ORDERED.

25

26 DATED: 2/6/2008

27

28

Stipulation and [Proposed] Order Excluding Time  
CR 08-031 MHP

